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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,115	12/01/2003	Shigenori Matsushita	03704/LH	7772

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EXAMINER

LEE, JONG SUK

ART UNIT	PAPER NUMBER
3673	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,115

Applicant(s)

MATSUSHITA ET AL. 

Examiner

Jong-Suk (James) Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/1/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on March 17, 2004. These drawings are formal and acceptable.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract is not narrative. It has been drafted as one sentence and another long run-on sentence, much like a claim, which is improper. The abstract should be narrative and consist of a series of complete sentences forming a single paragraph. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgenson (US 5,120,186) in view of Komatsu (US 4,191,502).

Jorgenson discloses a crane attachment for loading machine comprising an undercarriage (L); an upper revolving superstructure (400) mounted on the undercarriage so as to turn around freely upon the undercarriage; a boom (210, 310) supported by the upper revolving superstructure so as to be freely raised and lowered; a pulley block (218) attached to the boom; a hoist (224) mounted on the upper revolving superstructure; a hoisting accessory (222) hung by a wire rope (220) that is paid out from the hoist and wound around the pulley block, wherein the fulcrum of the boom relative to the upper revolving superstructure is located in front of an operator's seat (see Fig. 9) installed in the upper revolving superstructure, wherein the boom is of a single tubular-box-type structure (see Fig. 8), wherein a derricking system (122) for the boom raises or lowers the boom through expansion and contraction of hydraulic cylinders (see Figs. 4-9; col.7, lines 31-68; col.8, lines 1-68).

However, Jorgenson fails to disclose or fairly suggest the pulley block attached to the boom through a universal joint. Komatsu discloses a derrick crane including a universal joint (17) with a pulley block and cable as depicted in Fig. 9B (see col.4, lines 6-29).

Therefore, in view of Komatsu, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the universal joint to the pulley block in order to increase the freedom of the movement while placing or moving an object.

6. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heeden et al (US 3,722,707) in view of Komatsu. The teachings of Komatsu have been discussed above.

Heeden et al discloses a hydraulic crane control machine comprising an undercarriage (11); an upper revolving superstructure (13) mounted on the undercarriage so as to turn around freely upon the undercarriage; a boom (15) supported by the upper revolving superstructure so as to be freely raised and lowered; a pulley block (37, 38) attached to the boom; a hoist mounted on the upper revolving superstructure; a hoisting accessory hung by a wire rope (16, 36) that is paid out from the hoist and wound around the pulley block, wherein the fulcrum of the boom relative to the upper revolving superstructure is located in front of an operator's seat (see Fig. 1) installed in the upper revolving superstructure, wherein a path for the wire rope is disposed on a side of an operator's seat installed in the upper revolving superstructure, wherein guide sheaves (32, 33) for guiding the wire rope are disposed on a side of the operator's seat (see Fig. 1) (see figs. 1-4; col.4, lines 36-68; col.5, lines 1-67; col.6, lines 1-25).

However, Heeden et al fails to disclose or fairly suggest the pulley block attached to the boom through a universal joint. Komatsu discloses a derrick crane including a universal joint (17) with a pulley block and cable as depicted in Fig. 9B.

Therefore, in view of Komatsu, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the universal joint to the pulley block of Heeden et al in order to increase the freedom of the movement while placing or moving an object.

#### ***Priority***

7. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of the priority documents have been received.

#### ***Conclusion***

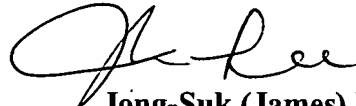
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose an hydraulic circuit for crane, a pipe layer and a conversion or extension of boom structure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl  
September 15, 2004



**Jong-Suk (James) Lee**  
**Primary Examiner**  
**Art Unit 3673**